

DILLON & YUDELL LLP
ATTORNEYS AT LAW

FACSIMILE TRANSMITTAL SHEET

TO:	Examiner G. Barron	FROM:	Andrew J. Dillon, Reg. No. 29,634
COMPANY:	U. S. Patent and Trademark Office	DATE:	August 18, 2004
FAX NUMBER:	703.746.5447 (per Mr. Barron)	TOTAL NO. OF PAGES INCLUDING COVER:	12
PHONE NUMBER:	703.305.1830	SENDER'S REFERENCE NUMBER:	RP9-98-089
RE:	Status of Petition to Withdraw Holding of Abandonment	YOUR REFERENCE NUMBER:	09/262,123

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

Per your conversation this date with my assistant, Vicky Filipowsky, attached are the documents supporting my Petition to Withdraw Holding of Abandonment initially received by the USPTO on May 12, 2003. Please advise as to the status of this petition.

Please note that we are no longer with Bracewell & Patterson LLP, as of March 1, 2004; a PTO/Form SB/122 is included with this faxed inquiry for recording our new Customer Number and address.

Respectfully submitted,
A. Dillon/vf

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8911 N. CAPITAL OF TEXAS HWY., SUITE 2110, AUSTIN, TEXAS 78759
512.343.6116 (V) • 512.343.6446 (F) • DILLONYUDELL.COM

Auto-Reply Facsimile Transmission



TO:

Fax Sender at 512 472 9123

Fax Information

Date Received:

1/22/2004 5:38:27 PM [Eastern Standard Time]

Total Pages:

10 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received
Cover
Page
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AUG 22 2004 4:57 PM BRACEWELL PATTERSON AUSTIN TX 5534 P. 1

BRACEWELL & PATTERSON

FACSIMILE TRANSMITTAL SHEET

TO: Examiner Gilberto Barron	FROM: Andrew J. Dillon / return fax to Austin
FAX NUMBER: 703-746-7238	DATE: January 22, 2004
COMPLAINT: USPTO	TOTAL NO. OF PAGES INCLUDING COVER: 10
PHONE NUMBER:	EXHIBIT REFERENCE NUMBER: 0326AD.022264 (RP9-98-089)
RE: Petition to Withdraw Holding of Abandonment	YOUR APPROPRIATE NUMBER: Serial No. 09/262,123

☐ URGENT ☒ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

Dear Examiner Barron:

Attached is a Petition to Withdraw Holding of Abandonment and the related documents, including the returned postcard date stamped by the USPTO as being received on May 12, 2003. To date, this Petition has yet to be processed.

We would greatly appreciate your assistance in reviewing these documents in an effort to continue prosecution of this application.

Best regards,

FROM: 512-442-9123 FAX: 512-472-9123

AUSTIN 1/22/04

PAGE 3/10 * RCVD AT 1/22/2004 5:38:27 PM [Eastern Standard Time] * SVR:USPTO-EFXXRF-4/0 * DNIS:7465447 * CSID:5124729123 * DURATION (mm-ss):04:12

Refax to
703-
746-5447
to, Ex. Barron
- Hc 8/18/04

BRACEWELL & PATTERSON

FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Examiner Gilberto Barron	Andrew J. Dillon / return fax to Annie
FAX NUMBER:	DATE:
703-746-7238	January 22, 2004
COMPANY:	TOTAL NO. OF PAGES INCLUDING COVER:
USPTO	10
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
	0252AD.022264 (RP9-98-089)
RE:	YOUR REFERENCE NUMBER:
Petition to Withdraw Holding of Abandonment	Serial No. 09/262,123

☐ URGENT ☒ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

Dear Examiner Barron:

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We would greatly appreciate your assistance in reviewing these documents in an effort to continue prosecution of this application.

Best regards.

PHONE: 512.542.2121 • FAX: 512.472.9123

AUSTIN\119277.1

IC:IBM
5-7-03

Received in the U.S.P.T.O.

In re Application of:

Title: DATA PROCESSING S/M FOR MAINTAINING SECURE USER

PRIVATE KEYS IN NON-SECURE STORAGE

Attorney Docket No. RP9-98-089

ENCLOSED HEREWITH:

1. Petition to Withdraw Holding of Abandonment Under 37 C.F.R. § 1.181;
2. Copy of Req. to Re-Send Non-Final Reject. & Change of Address w/ fax confirmation filed 11/07/02;
3. Copy of fax resending documents on 01/21/03; and
4. Copy of fax resending documents on 04/17/03

IBM Corporation

Our File No. 0252AD.030712

Mailed on: May 7, 2003

AJD/az

Received in the U.S.P.T.O.

In re Application of:

Title: DATA PROCESSING S/M FOR MAINTAINING SECURE USER

PRIVATE KEYS IN NON-SECURE STORAGE

Attorney Docket No. RP9-98-089

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4. Copy of fax resending documents on 04/17/03

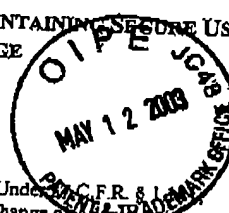
IBM Corporation

Our File No. 0252AD.030712

Mailed on: May 7, 2003

AJD/az

REC'D B & P MAY 19 2003



Attorney Docket No.: RP9-98-089

Art Unit: 2132

PAGE 6/12 * RCVD AT 8/18/2004 4:18:34 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-4/0 * DNIS:7465447 * CSID:5123436446 * DURATION (mm:ss):04:36

On November 7, 2002, Pia Lorenzana, Distribution Clerk, had a telephone conference with Examiner Kambiz Zand stating Applicant's attorney never received the Office communication mailed on October 16, 2002. As a result of this conversation, Ms. Lorenzana promptly filed, via facsimile, an Official Request to Re-send Non-Final Rejection and a Change of Correspondence Address/Form SB/122, having noted that the United States Postal Service had declined to forward correspondence to the undersigned attorney as a result of his change of firm name, despite the fact that the correspondence was, at all times, addressed to Andrew J. Dillon.

Thereafter, on January 21, 2003, Examiner Zand spoke with Deirdre Waters, Legal Secretary, indicating the Patent Office did not receive the Official Request to Re-send Non-Final Rejection and a Change of Correspondence Address/Form SB/122 filed on November 7, 2002. Therefore, Ms. Waters remitted these documents, via facsimile, in conjunction with the Communication Result Report confirming transmission and receipt of the facsimile sent on November 7, 2002 to the U.S. Patent and Trademark Office, expecting the period to be reset.

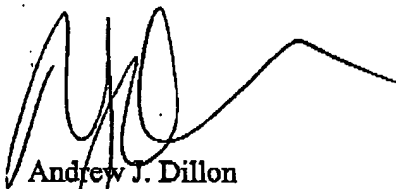
Finally, on April 17, 2003, Examiner Zand had a telephone conference with Annie Zohlen, Legal Secretary, stating the Patent Office never received the Response to the Office Communication dated October 16, 2002 or any other documents presented thereafter. Ms. Zohlen immediately faxed to Examiner Zand the aforementioned documents and the related facsimile confirmations, copies of which are enclosed. Additionally, Ms. Zohlen had a follow up conversation with Examiner Zand to ensure his receipt of the facsimile and the corresponding documents. The aforementioned documents are attached for your review.

A subsequent review through the Firm docketing systems and through the Applicant's file by the undersigned practitioner shows no receipt of the Office communication mailed October 16, 2002.

In view of the above, Applicant submits that the holding of abandonment, in the present application, was erroneous. Withdrawal of the holding of abandonment and retransmission of the Office Communication starting a new time period in which to respond is respectfully requested.

No fee is believed to be required at this time; however, in the event any fees are required, please charge IBM CORPORATION Deposit Account No. 50-0563.

Respectfully submitted,



Andrew J. Dillon
Registration No.: 29,634
BRACEWELL & PATTERSON, L.L.P.
111 Congress Avenue, Suite 2300
Austin, Texas 78701
512-472-7800

ATTORNEY FOR APPLICANT(S)

* * * COMMUNICATION RESULT REPORT (JAN. 21.) 11:43AM * * *

TTI, BRACEWELL PATTERSON AUSTIN

TRANSMITTED/STORED JAN 21 2003 11:40AM
FILE MODE OPTION

ADDRESS

RESULT

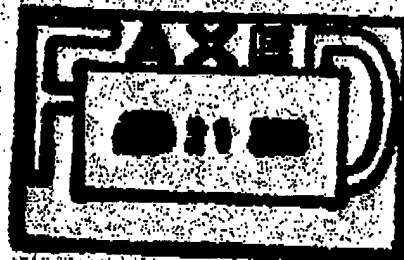
PAGE

1214 MEMORY TX

#430777#17037467239#

OK

5/5

REASON FOR ERROR: NO ANSWER
E-2) BUSY NO FACSIMILE CONNECTION111 Congress Avenue, Suite 2300
Austin, Texas 78701-4043
Phone: 512.472.7800
Toll Free: 800.472.1401**Fax Cover Letter**Please deliver the following pages to Examiner Kambiz Zand **FOR YOUR IMMEDIATE ATTENTION**Fax Number: 1703.746.7239This fax is from: Deirdra Waters, assistant to Andrew J. Dillon
and is being transmitted on 01/21/2003 at 11:40 AM. The length of this fax, (including the cover letter) is 5 pages.

The fax machine number is 512.472.9123. If you do not receive all pages, please call 512.472.7800.

Message

Re: Serial No. 09/262,123; Docket No. RP9-98-089

For our conversation of today, attached please find a copy of the Communication Result Report showing that the original documents, which included a Request to Re-Send Non-Final Rejection and Form PTO/SB/122 Change of Correspondence Address Application, were transmitted and received by the U.S. Patent and Trademark Office on November 7, 2002. Please let me know if any further information is needed in order to proceed with the prosecution of this application.

Please do not hesitate to contact me at 512.542.2158 should you have any questions.

Sincerely,

Bracewell & Patterson, L.L.P.

Deirdra Waters, assistant to Andrew J. Dillon

Confidentiality Notice

This fax from the law firm of Bracewell & Patterson, L.L.P. contains information that is confidential or privileged, or both. This information is intended only for the use of the individual or entity named on this fax cover letter. Any disclosure, copying, distribution or use of this information by any person other than the intended recipient is prohibited. If you have received this fax in error, please notify us by telephone immediately at 512.472.7800 so that we can arrange for the retrieval of the transmitted documents at no cost to you.

AUG/18/2004/WED 03:17 PM

DILLON & YUDELL, LLP

FAX No. 5123436446

P.010

* * * COMMUNICATION RESULT REPORT (NOV. 7. 2002 11:37AM) * * *

TTI BRACEWELL PATTERSON AUSTIN

TRANSMITTED/STORED NOV. 7. 2002 11:36AM
FILE MODE OPTION

ADDRESS

RESULT

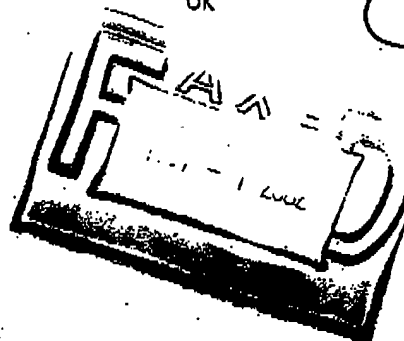
PAGE

0301 MEMORY TX

##370958#17037467239#

OK

3/3



REASON FOR HANGUP OR LINE FAIL
E-3) NO ANSWER

E-2) BUSY
E-4) NO FACSIMILE CONNECTION



111 Congress Avenue, Suite 2300
Austin, Texas 78701-4043
Phone: (512) 472-7800
(512) 472-9123 FACSIMILE
Toll Free: (800) 472-1401

Fax Cover Letter

Please deliver the following pages to EXAMINER KAMBIZ ZAND, FOR IMMEDIATE ATTENTION

Fax Number: 1-703-746-7239

This fax is from FIA LORENZANA (512) 542-2136 IN ANDREW J. DILLON'S OFFICE

and is being transmitted on November 7, 2002

The length of this fax, (including the cover letter), is

3 pages.

The fax machine number is (512) 472-9123. If you do not receive all pages, please call (512) 472-7800.

Message

Per our conversation re: 02/262,123; Docket No. RP9-98-089

Enclosed is an Official Request to Re-send Non-Final Rejection and Form SB/122 for the above-referenced application.

Please do not hesitate to contact us at (512) 472-7800 should you have any questions.

Thank You!

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This fax from the law firm of Bracewell & Patterson, L.L.P. contains information that is confidential or privileged, or both. This information is intended only for the use of the individual or entity named on this fax cover letter. Any disclosure, copying, distribution or use of this information by any person other than the intended recipient is prohibited. If you have received this fax in error, please notify us by telephone immediately at (512) 472-7800 so that we can arrange for the retrieval of the transmitted documents at no cost to you.

XC: item 11/8/02